

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY COUNCIL OF THE CITY OF ST. PAUL

In Re: The Currency Exchange
License Application of International
Currency Exchange, Inc., at 981 Payne
Avenue, St. Paul, Minnesota

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Barbara L. Neilson at 9:45 a.m. on Tuesday, October 3, 1995, in Room 41 of the Ramsey County Courthouse, St. Paul, Minnesota. The record closed at the conclusion of the scheduled hearing.

Janet A. Reiter, Law Clerk and Licensed Attorney, City of St. Paul, 400 City Hall and Court House, 15 West Kellogg Boulevard, St. Paul, Minnesota 55102, appeared on behalf of the City of St. Paul. Curt Potts, Manager, International Currency Exchange, Inc., 4549 Wentworth Avenue, Minneapolis, Minnesota 55409, appeared on behalf of the Applicant.

This Report is a recommendation, not a final decision. The Council of the City of St. Paul will make the final decision after a review of the record which may adopt, reject, or modify the Findings of Fact, Conclusions, and Recommendations contained herein. An opportunity must be afforded by the Council to parties adversely affected by this Report to present oral or written arguments to the City Council. Parties should contact the Council of the City of St. Paul, 310 City Hall, St. Paul, Minnesota 55102, to ascertain the procedure for presenting oral or written argument.

STATEMENT OF ISSUE

The primary issue in this case is whether the Applicant's application for a currency exchange license under Minnesota Statutes Chapter 53A should be approved by the Council of the City of St. Paul, after published notice and hearing.

Based upon the record presented and all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of Public Hearing in this matter was served by the City of St. Paul on Thomas K. Potts Patricia Potts, and Curt Potts, the President, Vice-President, and Manager, respectively, of International Currency Exchange, Inc., on September 19, 1995. (Exs. 1, 2.)

2. In accordance with Minn. Stat. § 53A.04 and Chapter 381 of the St. Paul Legislative Code, the Office of License, Inspections and Environmental Protection of the City of St. Paul notified interested persons of the public hearing scheduled for October

3, 1995, by letter on September 19, 1995, and by publication on September 21, 1995. (Exs. 3, 4.)

3. There were no appearances, other than the appearances by the Applicant and counsel for the City of St. Paul, at the scheduled public hearing. No testimony was taken. The hearing was scheduled to begin at 9:45 a.m. After waiting until 10:00 a.m. for possible appearance by members of the public, the undersigned Administrative Law Judge, the Applicant, and counsel for the City concurred that there was no need to take testimony or to otherwise proceed with a formal hearing. Counsel for the City submitted the City's exhibits and informed the Administrative Law Judge that the City had not been contacted by any interested persons after the issuance of the notice of the public hearing and that the Applicant's application was in order.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Council of the City of St. Paul and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50 - 14.67 (1994) and the St. Paul Legislative Code, Sections 310.05 and 310.06.

2. The City of St. Paul has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The City of St. Paul has given proper notice of the hearing in this matter, including proper notice in accordance with the requirements set forth in Chapter 53A of the Minnesota Statutes and Chapter 381 of the Legislative Code of the City of St. Paul.

4. The Applicant has fully complied with the application requirements specified by law.

5. No members of the public have opposed the Applicant's application for licensure.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the Council of the City of St. Paul approve the currency exchange license application of International Currency Exchange, Inc., located at 981 Payne Avenue in St. Paul, Minnesota.

Dated this 5th day of October, 1995.

BARBARA L. NEILSON
Administrative Law Judge

Reported: No Hearing Held.

NOTICE

It is requested that the City Council serve its final decision upon each party and the Administrative Law Judge by first-class mail.